

AN ORDINANCE 2015-09-17-0821

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

* * * * *

WHEREAS, a public hearing was held after notice and publication regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of the property generally located in the 600 block of West Cypress Street, 700 Block of Jackson Street, and 700 block of West Poplar Street from "C-2P AHOD" Commercial Pedestrian Airport Hazard Overlay District, "C-2P S AHOD" Commercial Pedestrian Airport Hazard Overlay District with Specific Use Authorization for a Carwash, "O-1 AHOD" Office Airport Hazard Overlay District, "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District, "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District, and "MF-33 HS AHOD" Multi-Family Historic Significant Airport Hazard Overlay District **to:**

"IDZ AHOD" Infill Development Zone District with uses permitted in "C-2P" Commercial Pedestrian District, Carwash, Party House/Reception Hall/Meeting Facility, Bar/Tavern, Non-Commercial Parking Lot and three (3) residential units on 1.7886 acres being the East 66.6 feet of Lot 4 in NCB 680; the East 33.7 feet of each of Lots 1, 2 and 3 in NCB 680; all of Lots 4, 6, and 7 in NCB 753; and 0.6207 Ac. out of NCB 753 being all of 2 and 3 and a portion of Lots A-18, A-24, and AB 20. The 0.6207 acre portion of the property out of NCB 753 is more particularly described in the deed at Volume 17229 Page 1440 and Exhibit A of the deed at Volume 17229 Page 1443, Official Public Records of Bexar County, Texas. The deed at Volume 17229 Page 1440, and Exhibit A of the deed at Volume 17229 Page 1443 are included as **Attachment "A"** and made a part hereof and incorporated herein for all purposes;

"IDZ HS AHOD" Infill Development Overlay Zone Historic Significant Airport Hazard Overlay District with four (4) residential units and non-commercial parking lot on 0.1171 acres being the west 39.3 feet of the east 73 feet of each of Lots 1, 2, and 3 in NCB 680;

"C-2 IDZ AHOD" Commercial Infill Development Overlay Zone Airport Hazard Overlay District on 0.0698 acres out of Lot 9 Block 47 in NCB 357, more particularly described in the deed filed at Volume 14476 Page 1690, Official Public Records of Bexar County Texas. The deed filed at Volume 14476 Page 1690, is included as **Attachment "B"** and made a part hereof and incorporated herein for all purposes; and

"C-1 IDZ AHOD" Light Commercial Infill Development Overlay Zone Airport Hazard Overlay District on 0.082 acres out of Block 11 Lot 5 (or A7) NCB 758, more particularly described in the deed filed at Volume 14476 Page 1690, in Attachment B.

SECTION 3. A site plan is attached as **Attachment "C"** and made a part hereof and incorporated herein for all purposes.

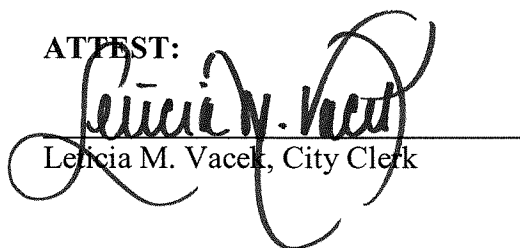
SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective September 27, 2015.

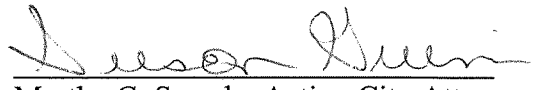
PASSED AND APPROVED this 17 day of September, 2015.


M A Y O R
Ivy R. Taylor

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


for Martha G. Sepeda, Acting City Attorney

Agenda Item:	Z-1 (in consent vote: 46, P-1, Z-1, Z-2, Z-4, Z-6, Z-9, P-5)						
Date:	09/17/2015						
Time:	02:31:25 PM						
Vote Type:	Motion to Approve						
Description:	<p>ZONING CASE # Z2015246 (Council District 1): An Ordinance amending the Zoning District Boundary from "C-2P AHOD" Commercial Pedestrian Airport Hazard Overlay District, "C-2P S AHOD" Commercial Pedestrian Airport Hazard Overlay District with Specific Use Authorization for a Carwash, "O-1 AHOD" Office Airport Hazard Overlay District, "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District, "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District, and "MF-33 HS AHOD" Multi-Family Historic Significant Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone District with uses permitted in "C-2P" Commercial Pedestrian District, Carwash, Party House/Reception Hall/Meeting Facility, Bar/Tavern, Non-Commercial Parking Lot and three (3) residential units on 1.7886 acres out of NCB 680 and NCB 753, "IDZ HS AHOD" Infill Development Overlay Zone Historic Significant Airport Hazard Overlay District with four (4) residential units and non-commercial parking lot on 0.1171 acres out of NCB 680, "C-2 IDZ AHOD" Commercial Infill Development Overlay Zone Airport Hazard Overlay District on 0.0698 acres out of NCB 357 and "C-1 IDZ AHOD" Light Commercial Infill Development Overlay Zone Airport Hazard Overlay District 0.082 acres out of NCB 758 on 2.091 acres of land out of NCB 753, NCB 680, NCB 758, and NCB 357, generally located in the 600 block of West Cypress Street, 700 block of Jackson Street and 700 Block of West Poplar Street. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment #15065)</p>						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

SCANNED



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**WARRANTY DEED
(Subject to Debt)**

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BEXAR §

THAT THE UNDERSIGNED, **SAMUEL ASVESTAS** and **LISA ASVESTAS**, hereinafter called "Grantor," whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to the undersigned in hand paid by the Grantee herein named, the receipt of which is hereby acknowledged, has GRANTED, SOLD, AND CONVEYED, and by these presents does GRANT, SELL, AND CONVEY unto **5 POINTS DEVELOPMENT, LLC**, a Texas limited liability company, herein referred to as "Grantee," whether one or more, the real property described as follows (the "Property"):

TRACT I:

A PARCEL OF LAND CONTAINING 0.6207 ACRE SITUATED WITHIN THE CORPORATE LIMITS OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING LOT 2, 3, AB 20 AND PORTIONS OF LOTS A18 AND A24, NEW CITY BLOCK 753 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

TRACT II:

LOT 1, BLOCK 3, NEW CITY BLOCK 6174, ANGELES TERRACE, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 368, PAGE 82, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

This conveyance, however, is made and accepted subject to: (1) that certain indebtedness evidenced by that certain promissory note dated April 1, 2010 in the original principal amount of **ONE HUNDRED FIFTY NINE THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$159,300.00)** executed by the Grantor and made payable to the order of Citizens State Bank described in and secured by a Deed of Trust, Security Agreement - Financing Statement executed by Grantor to **MORRIS SPECTOR, Trustee**, dated **April 1, 2010**, recorded under **Volume 14425, Page 2100**, in the Official Public Records of **Bexar County, Texas** to which Grantee becomes an additional borrower; and (2) any and all other restrictions, encumbrances, easements, covenants, and conditions, if any, relating to the hereinabove described property as the same are filed for record in the Official Public Records of **Bexar County, Texas**.

TO HAVE AND TO HOLD the above-described premises, together with all the rights and appurtenances lawfully accompanying it by the Grantee, Grantee's heirs, executors, administrators, successors, and assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors, and/or assigns to WARRANT AND FOREVER DEFEND all the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors, and/or assigns against every person whomsoever claiming or to claim the same or any part thereof.

Current ad valorem taxes on the property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED this 1st day of April, 2015 to be effective for all purposes as of the 30th day of March, 2015.

GRANTOR

BY: 

NAME: SAMUEL ASVESTAS

BY: 

NAME: LISA ASVESTAS

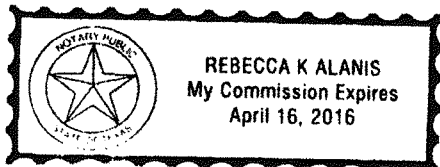
[Continued on following page.]

THE STATE OF TEXAS

§
§
§

COUNTY OF BEXAR

The foregoing instrument was acknowledged before me on the 1st day of April, 2015 by SAMUEL ASVESTAS.



Rebecca K. Alanis
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

THE STATE OF TEXAS §

§

COUNTY OF BEXAR §

The foregoing instrument was acknowledged before me on the 1st day of April, 2015 by LISA ASVESTAS.



Rebecca K. Alanis
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFTER RECORDING RETURN TO:

5 POINTS DEVELOPMENT, LLC
606 WEST CYPRESS STREET
SAN ANTONIO, TEXAS 78212

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

Doc# 20150082575 Fees: \$34.00
05/11/2015 3:46PM # Pages 3
Filed & Recorded in the Official
Public Records of BEXAR COUNTY
GERARD C. RICKHOFF COUNTY CLERK

MAY 11 2015



Gerard C. Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Exhibit "A"

A parcel of land containing 0.6207 acre situated within the corporate limits of the City of San Antonio, Bexar County, Texas, being Lot 2, 3, AB 20 and portions of Lots A18 and A24, New City Block 753 and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" on a concrete walk at the intersection of the Southwest right-of-way line of Jackson Street and the Northwest right-of-way line of W. Poplar Street for the most Easterly corner of New City Block 753 and of the herein described parcel;

THENCE Southwesterly, along the Northwest right-of-way line of W. Poplar Street, a distance of 58.00 feet to an iron pin for the most Easterly South corner of this parcel;

THENCE Northwesterly, with an interior angle of $91^{\circ}10'00''$, a distance of 108.50 feet to an iron pin for the South interior corner of this parcel;

THENCE Southwesterly, with an interior angle of $268^{\circ}50'00''$, a distance of 128.90 feet to an iron pin for the most Westerly South corner of this parcel;

THENCE Northwesterly, with an interior angle of $91^{\circ}10'00''$, a distance of 123.00 feet to an iron pin for the most Westerly corner of this parcel;

THENCE Northeasterly, with an interior angle of $88^{\circ}50'00''$, a distance of 154.70 feet to an iron pin on the Southwest right-of-way line of Jackson Street for the most Northerly corner of this parcel;

THENCE Southeasterly, along the said Southwest right-of-way line, with an interior angle of $105^{\circ}12'58''$, a distance of 139.04 feet to an "X" on a concrete walk for an angle point and continuing along the said Southwest right-of-way line, with an interior angle of $165^{\circ}02'02''$, a distance of 97.30 feet to the POINT OF BEGINNING.

Doc# 20150082576 Fees: \$34.00
05/11/2015 3:46PM # Pages 3
Filed & Recorded in the Official
Public Records of BEXAR COUNTY
GERARD C. RICKHOFF COUNTY CLERK

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

MAY 11 2015



Gerard C. Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

NOTE:

This legal description was recorded with the Deed at Volume 17729 Page 1443

Z2015246

GF# 10-25017191

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF BEXAR §

THAT, **JUAN GUTIERREZ, a married man, owning, claiming and occupying other property as my homestead**, hereinafter called Grantor (whether one or more), owning, claiming and occupying other property as his homestead, for and in consideration of the sum of TEN AND NO/100 DOLLARS and other good and valuable considerations to Grantor in hand paid by **SAMUEL ASVESTAS**, hereinafter called Grantee (whether one or more), the receipt of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee, whose mailing address is as hereinafter set forth, the following described real estate, together with all improvements thereon, situated in Bexar County, Texas, being more particularly described as follows, to-wit:

Tract I:

A certain tract of land containing **SIX HUNDRED NINETY-EIGHT (0.0698) TEN THOUSANDTHS OF AN ACRE** of 3,042 square feet, known as Lot A-10, in Block 47, New City Block 357, said tract fronts on the north side of West Poplar Street, and on the east side of Jackson Street, in the City of San Antonio, said tract being more particularly described in the Exhibit "A" attached hereto and made a part hereof.

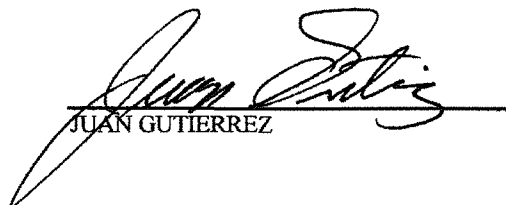
Tract II:

A tract of land containing **0.082 of an acre of land**, also known as part of Lot 11, New City Block 758, said tract being more particularly described in the Exhibit "B" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto the said Grantee, Grantee's heirs, successors and/or assigns forever. And Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and/or assigns TO WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee herein, Grantee's heirs, successors and/or assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This conveyance and the warranties of title given herein are made subject to any and all restrictions, easements, setback lines, covenants, conditions and reservations, of record affecting the property herein conveyed.

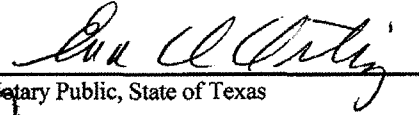
EXECUTED ON THE FOLLOWING DATE: May 13, 2010


 JUAN GUTIERREZ

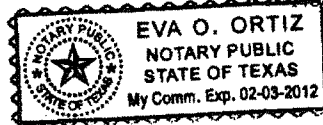
(ACKNOWLEDGEMENT)

STATE OF TEXAS §
COUNTY OF BEXAR §

This instrument was ACKNOWLEDGED before me, on this the 13th day of May, 20 10, by JUAN GUTIERREZ.



Notary Public, State of Texas



AFTER RECORDING RETURN TO
GRANTEE'S MAILING ADDRESS:
Samuel Asvestas
P. O. Box 12885
San Antonio, TX 78212

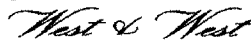
Prepared in the Law Offices of:

Attorneys at Law, P.C.
2929 Mossrock, Suite 204
San Antonio, Texas 78230

EXHIBIT A

FIELD NOTES

0.0698 OF AN ACRE - LOT A-10, BLOCK 47, NEW CITY
BLOCK 357, WEST POPLAR STREET and JACKSON STREET,
IN THE CITY OF SAN ANTONIO, TEXAS.

F.T. WALSH ESTATE

A certain tract of land containing SIX HUNDRED NINETY-EIGHT (0.0698) TEN THOUSANDTHS OF AN ACRE of 3,042 Square Feet, known as Lot A-10, in Block 47, New City Block 357, and fronts on the north side of West Poplar Street, and on the east side of Jackson Street, in the City of San Antonio, Bexar County, Texas, and the said 0.0698 of an Acre being more particularly described as follows:

BEGINNING at an iron pipe on the east line of Jackson Street for the Northwest Corner of this Tract, being the Southwest Corner of a triangular shaped parcel of land sold by Frank T. Walsh, described in Deed dated June 23, 1926, and recorded in Volume 892, Page 402, Deed Records Bexar County, Texas;

THENCE East a distance of 65.34 Feet to an iron pipe, the Northeast Corner of this Tract, being the Northwest Corner of the Kallison Property; THENCE with old fence line along the east line of Walsh Property Tract, being the West line of Kallison Property Tract, South 17 deg. 04' East, 58.48 Feet to an iron pipe on the north line of West Poplar Street, the Southeast Corner of this Tract;

THENCE with north line of West Poplar Street, West, a distance of 43.50 Feet to an iron pipe at its intersection with the east line of Jackson Street, the Southwest Corner of this Tract;

THENCE with east line of Jackson Street, North 34 deg. 54' West, 68.16 Feet to the Place of Beginning.

Surveyed November 11, 1975

James C. Adams
Licensed State Land Surveyor &
Registered Public Surveyor No. 24
ADAMS LAND SURVEY COMPANY

B

SouthCentral Surveyors of Texas1514 S. Presa, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673**METES & BOUNDS FOR
A 0.082 OF AN ACRE TRACT OF LAND**January 10th, 2008

Being a 0.082 of an acre tract of land, also known as part of Lot 11, New City Block 758, and being more particularly described as follows;

BEGINNING: at a 1/2" iron rod found on the northeasterly right-of-way line of Jackson, for the west corner of a 0.149 of an acre tract described in Volume 8494 Page 634, of the Real Property Records of Bexar County, Texas, and being the south corner of this tract;

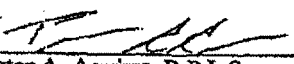
THENCE: N 33°44'25" W, a distance of 70.34 feet to a 1/2" iron rod set at the intersection of the said northeasterly line of Jackson and the south right-of-way line of Popular, for the northwest corner of this tract;

THENCE: S 89°50'25" E, along said south line of Popular and the north line of this tract, a distance of 101.48 feet to a 1/2" iron rod set for the northwest corner of a 0.287 of an acre tract described in Volume 8494 Page 634, of the Real Property Records of Bexar County, Texas, and being the northeast corner of this tract;

THENCE: S 40°32'22" E, a distance of 13.82 feet to a 1/2 inch iron rod set a re-entrant corner of the 0.287 of an acre tract, and being the east corner of this tract;

THENCE: S 56°08'17" W, a distance of 85.86 feet to the **POINT OF BEGINNING** containing a 0.082 of an acre tract of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas


Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 8-4213-042

A drawing of even job number and date was also prepared.



Doc# 20100084248
Pages 5
05/13/2010 14:14:56 PM
e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

Fees 28.00

STATE OF TEXAS
COUNTY OF BEXAR
This is to Certify that this document
was e-FILED and e-RECORDED in the Official
Public Records of Bexar County, Texas
on this date and time stamped thereon.
05/13/2010 14:14:56 PM
COUNTY CLERK, BEXAR COUNTY TEXAS



Gerard Rickhoff

